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C O N F I D E N T I A L SECTION 01 OF 02 TAIPEI 001341

SIPDIS

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TAGS: [PREL](#) [KDEM](#) [PGOV](#) [TW](#)
SUBJECT: FORMER PRESIDENT CHEN SUFFERS SETBACKS IN
CORRUPTION CASE

REF: A. TAIPEI 1109
[1](#)B. TAIPEI 1604
[1](#)C. TAIPEI 1785
[1](#)D. TAIPEI 1161

TAIPEI 00001341 001.3 OF 002

Classified By: Political Chief Rank. Reasons: 1.4 b/d

[1](#)1. () Summary: Former President Chen Shui-bian has suffered several legal setbacks since receiving a guilty verdict and life sentence in the first stage of his corruption trial. Taiwan's constitutional court rejected Chen's argument to dismiss the case because of legal irregularities. His upcoming appeals trial also appeared to weaken with restated guilty pleas from his son and other codefendants. Meanwhile, Chen's backers have been low-key in their support. In particular, many within Chen's Democratic Progressive Party (DPP) were put off by his effort to sue the U.S. Government to intervene in the case. End Summary.

VERDICT OF FIRST TRIAL STANDS ...

[1](#)2. (U) November 12 marked the one-year anniversary of former President Chen's detention in a corruption case that led to his conviction and life sentence from a lower court on September 11. From the moment of his initial detention (ref B), Chen claimed his trial was politically motivated vengeance by President Ma Ying-jeou and the ruling Kuomintang (KMT). Alleging irregularities in his lengthy pre-trial detention and in the reassignment of his case from a judge willing to grant him bail to one who was not (ref C), Chen asked the Council of Grand Justices (CGJ) to overturn his conviction. On October 16, the Council ruled 11 to four to uphold the constitutionality of procedures used by the Taipei District Court in the Chen case.

[1](#)3. (C) The Council is widely viewed as being a politically neutral body. Chen appointed 10 of its 15 sitting Justices himself. However, concerns lingered over the fairness of Chen's detention. The four dissenting Justices questioned the constitutionality of pre-trial detention, which can be imposed in felony cases deemed to have flight risk or risk of tampering with evidence and colluding with accomplices. Experts noted that Taiwan courts approve 85% of approximately 10,000 pre-trial detention requests submitted annually, and that detention lengths average about 45 days.

[1](#)4. (C) Wang Jaw-perng, a noted criminal law expert and Associate Dean of the College of Law at Taiwan National

University, suggested that the Council of Grand Justices may have had very practical motivations for upholding the right to reassign court cases. As this procedure was often used by courts in Taiwan, Wang said, it would have created an extreme administrative burden if found unconstitutional. He noted that the dissenting Justices were not career judges but rather came from academic backgrounds.

.. . WHILE CHEN FACES MORE BAD LEGAL NEWS ...

15. (SBU) On another legal front, Chen and his co-defendants appealed the Taipei District Court's guilty decision to the Taiwan High Court shortly after their convictions. Under Taiwan law, the first appeal will be essentially a new trial that in effect allows Chen to formulate a new defense strategy. However, in late October, his son Chen Chih-chung, his daughter-in-law Huang Jui-ching and several other co-defendants once again pleaded guilty to money laundering charges. Chen's son and daughter-in-law pled guilty late in the first trial and were believed to be repeating the plea for the second trial in the hope of receiving reduced sentences. No date had been set for the start of Chen's second trial. Meanwhile, the prosecutor's office ordered the Special Investigation Unit to impound Chen family assets valued at NTD 500 million (USD 15.4 million), citing concerns that the family otherwise would not be able to pay fines that total about NTD 800 million (USD 24.6 million). Meanwhile, the Supreme Court on November 5 rejected Chen's appeal of a lower court's decision to extend his detention for three months or until just before year's end.

... AND SUPPORTERS REMAIN RELATIVELY MUTE

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